

MEMORANDUM OF CONVERSATION

Date: March 24, 1960  
 Time: 1:00 p.m.  
 Place: Restaurant Don Quijote, Geneva

Participants:United States

Mr. Kohler  
 Mr. Bohlen  
 Mr. Akalovský

USSR

Mr. Semenov  
 Mr. Kovalev  
 Mr. Zolotov

Subject: Germany and Berlin

<u>Copies to:</u>	S/S	IC	Amembassy Moscow
	G	Defense/ISA	
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At Mr. Semenov's invitation, Mr. Kohler and Mr. Bohlen attended a working luncheon with the Soviet hosts.

[Mr. Semenov opened the conversation by saying that he regarded this talk as informal, although he was acting at Mr. Gromyko's request.]

Referring to the informal working paper the Secretary had given to Mr. Gromyko on a personal basis, Mr. Semenov said it was interesting from the standpoint of the present exchange of views. However, as indeed the Secretary had indicated, the paper did not take into account the position of the USSR. It was not acceptable in its present form and, in fact, it threw us back in some respects, particularly in view of the fact that some of the points mentioned in it belonged to the past. Nevertheless, the paper did contain some points of interest. Mr. Semenov went on to say that he regarded the purpose of the conversation today to be that of clarifying the positions of the two sides, of seeing where we stood, and of attempting to determine what possibilities existed for a productive exchange of views on matters of interest to both sides.]

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Mr. Kohler expressed the view that the exchanges of views and the various conversations, as well as the papers accompanying them, had clarified what the real difficulty was. In general terms, the difficulty could be described as follows: both sides have common interests on a number of questions; however, their positions on Berlin are extremely far apart, particularly since no solution can be found to the German problem as such. Mr. Kohler said that we were very disappointed by the papers we had received from the Soviet side, because in all the conversations so far we had tried to make it very clear that very important interests were involved. From our standpoint, those interests were not negotiable, just as the Soviet had stated that East Berlin and East Germany were not negotiable. We had stated on many occasions that the presence of Western forces in West Berlin, the viability of West Berlin, and access to West Berlin must continue. These were facts which we believed would be the test of whether peaceful coexistence would be possible. On the other hand, the paper the Secretary had given Mr. Gromyko was intended to state, taking account of both Soviet and US interests, that since no agreement seemed to be possible on larger questions, neither side should destroy the vital interests of the other and that both of them should seek agreement on points where agreement was possible.

Mr. Kohler observed that in studying our paper Mr. Semenov may have been struck not only by the contents of the paper but also by certain omissions in it. Noting that those omissions were deliberate, Mr. Kohler said that he wanted to make two points. First, while the presence of Western forces in West Berlin was an absolutely vital interest to us and while those forces would stay in West Berlin, the paper did not require confirmation of that presence or what the Soviet side called "occupation of West Berlin". In fact, we believed there was no need for such confirmation. Second, the paper omitted reference to the status of West Berlin, at least it did not envisage a status of the kind described by the USSR. However, as the Secretary and he, Mr. Kohler, had explained the other day we believed that West Berlin did in fact have a special status. Our position with respect to West Berlin's not being part of the Federal Republic of Germany went a long way to meet the USSR's point of view; in fact it went as far as we could go.

Mr. Semenov said he understood Mr. Kohler's view. He noted that the Soviet position had been stated as clearly as that of the United States and said he would revert to Mr. Kohler's remarks in the course of further conversation when specific points of interest were discussed. (b) (7) (D) (5)

He continued by saying that he thought the United States understood the basis of Soviet position: the Soviet position was based on the need for the conclusion of a peace treaty, or two peace treaties, with both German states and on the need for the settlement on that basis of the West Berlin situation, which the USSR considered to be illegal. Therefore,

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the question was whether there was possibility of bringing together the respective positions of the two sides, so that their respective vital interests would not be affected and that peaceful coexistence, in which the US was interested no less than the USSR, could be maintained. However, Mr. Semenov said, the US paper was not directed at bringing the positions of the two sides closer; rather, it was merely a declaration of the US position. In any event, this was something the two Foreign Ministers would discuss.

Mr. Semenov then said that he regarded his task as being of an auxiliary nature. Of course, he and Mr. Kohler could also exchange general declarations of their respective positions, but that would not serve the purpose of narrowing the gap between those positions.

Mr. Semenov then said that he wanted to ask a few questions about the US paper. First, with regard to the preamble, he was not quite clear as to how the proposal for a committee of Foreign Ministers' Deputies was conceived and what it meant. He wondered when that committee would begin its work and on what basis, and, in particular, whether it would begin its work before or after agreement on general principles had been reached. He also wondered at what stage the United States believed France and the United Kingdom should be invited to join the Committee, as well as how both sides were to go about further narrowing the gap between their respective positions, which were not only contradictory on some points but also contained several completely opposite points of view.

Mr. Kohler responded that the basic idea of our approach was that if both sides recognized that their respective vital interests should not be injured or changed, they could find ways of easing the situation by a continuing discussion of the various problems involved. We believe that as a result of agreement between their Foreign Ministers or after approval of that agreement by their heads of state, the US and USSR could continue discussions, joined by their allies.

Mr. Kohler noted that a body consisting of Deputy Foreign Ministers, which was not without precedent, could discuss these problems and perhaps reach agreement which would be broader than that possible in a joint declaration by our two states. He had put on paper what we believed could be done between our two states and what would be discussed further in a four-power body. For instance, in connection with Berlin there might arise questions with regard to what the Soviet Union might believe to be involved. These questions might be discussed among the four powers -- France, the Federal Republic, the USSR and the US. With regard to Germany as a whole, the four-power body could decide how the technical commissions were working. Mr. Kohler noted that he could say that the Federal Republic was prepared to agree to the establishment of such

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commissions. It might be possible that such commissions could lead to something. With regard to the question of non-diffusion of nuclear weapons, Mr. Kohler said he was not sure whether that problem could be developed in the four-power committee or in the disarmament context. As to non-aggression, that could include more nations than just the US and USSR.

Mr. Kohler said that this was the general thought underlying our approach. We had sought immediate steps that could be undertaken between our two states, and further with UK and French participation, and if necessary with consultation of others, e.g., Poland and Czechoslovakia.

Observing that the points made by Mr. Kohler warranted more detailed consideration, Mr. Semenov said he wished to turn to more specific matters. He expressed the view that the US and the Soviet papers on principles set forth the respective positions of the two sides and that therefore it would be useful to put them next to each other and see what possibility existed of reconciling the two.

He said that the United States knew that conclusion of a German peace treaty was of vital interest to the USSR. In fact, the USSR believed that conclusion of such a treaty was in the vital interest of all the peoples in Europe. Taking into account the stated position of the United States, the USSR had proposed in its paper that "the parties proceed from the fact that the Soviet Union, together with a number of other states, will conclude a peace treaty with the GDR", and that agreed principles should be taken into account when such a treaty was signed. Mr. Semenov asserted that the Soviet Union was sincere in this matter: it wished to take into account the respective interests of the two sides and the interests of peace. Therefore, he wondered why such a provision could not be included, particularly in view of the fact that the Soviet proposal had been designed to meet the desires of the United States. The United States had advanced certain proposals but now that the USSR had leaned on them they turned out to be a broken cane.

Mr. Kohler replied that both sides were originally committed to sign a peace treaty with Germany. For reasons that were well known and that would be useless to discuss at this point, that was not possible now. The United States was not contesting this situation of fact and was prepared to live with it; it had suggested that the USSR do the same. We did not believe that a peace treaty with East Germany meant very much, because it would not be a peace treaty with Germany. The USSR had in fact concluded a peace treaty some six or seven years ago, when the Supreme Soviet declared termination of the state of war with Germany. Therefore, a peace treaty between the USSR and whatever states that might join it, on the one hand, and the GDR, on the other, could not possibly be a document to which we could give our blessing; it would not be a

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peace treaty with Germany. What bothered us was only what the USSR had stated unilaterally would be the result of that so-called peace treaty, which would seriously injure our interests. In summary, even though the USSR might believe it to be advantageous to her to conclude a so-called peace treaty with the GDR, we did not believe it would mean the solution of the German problem and we could not associate ourselves with it or give it our blessing. In light of all this, the USSR should remain silent on this point and not ask us to associate ourselves, just as we were silent in our paper and did not ask the USSR to confirm what it called occupation of West Berlin.

Mr. Semenov said that, in the light of Mr. Kohler's explanation and the Secretary's previous statements, he did not quite understand the meaning of what was written in the US paper. He believed that paragraph 2 in the US draft principles went back on the position the United States had stated earlier. The United States had said that it recognized the facts of the situation, i.e., the existence of two German states and of West Berlin. Thus the problem was to ensure peaceful coexistence among the three entities in Germany. The United States had stated it proceeded from the existing situation in Germany. However, paragraphs 2 (a) and 2 (b) in the US draft principles did not proceed from that situation but rather from a situation the US apparently believed should be strived for. Thus the United States did not take the existing facts but rather those that did not exist. Indeed it sought to settle existing facts on the basis of non-existing facts. Mr. Semenov thought this amounted to mixing different things and notions. He felt the question of unification of Germany had been drawn into the US paper artificially and the two sides had no common language on that point. (10/15)

On the basis of the discussions in New York, Washington, and here in Geneva the USSR had thought that there was a rapprochement between the positions of the two sides -- although each side of course, understood its position differently -- that there existed two German states and West Berlin. He asserted that this was the factual situation and that both sides must proceed from it and assess it as it was. If one stuck his head into the sand like an ostrich, that was not the most reasonable way of assessing the situation because nothing could be seen from under the sand.

Referring to paragraph 2 (e) of the US Draft Principles, he thought that the provision for arrangements with any part of Germany implied the possibility of a peace treaty with the GDR, but noted that at the same time the paper referred to a peace treaty with a united Germany, i.e., a non-existing situation. This position was not in accord with that taken by the United States in 1947-1949 when the procedure for the conclusion of a German peace treaty had been discussed and when the United States had thought that it would be possible to conclude such a treaty not necessarily with one Germany but with representatives of

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The different parts of Germany. Thus it looked to him that the US position in 1947-49 had taken account of reality, whereas now the United States was proposing that we should base ourselves not on the factual situation but rather on a non-existent situation, a situation which could not become existent.

Referring to Mr. Kohler's remark that a peace treaty had in fact been concluded in 1955 because the Soviet Union had declared termination of the state of war with Germany, Mr. Semenov asserted there was a difference in the juridical sense between termination of the state of war and a peace treaty. The Paris Agreements had also terminated the state of war but the United States did not claim they were a peace treaty. In any event, the USSR was not asking the United States to give its blessing to a peace treaty with the GDR. The USSR would sign such a treaty and it would do it taking into account the precedent of the peace treaty the United States had concluded with Japan. The problem was what would take place in connection with and after the conclusion of a peace treaty with the GDR, when the provisional arrangements established in 1955 in connection with the absence of a peace treaty at that time would terminate and the GDR would have full sovereign rights. Whether this should be included in the principles or not was another question; what was of interest now was the substance.

As to paragraph 2 in general, it should deal with the problem of German settlement taking into account the fact that a German peace treaty would bring the two German states closer and facilitate unification, which was now only a mirage in the desert.

Mr. Kohler asked what kind of a peace treaty Mr. Semenov had in mind.

Mr. Semenov replied that any of the three variants proposed by the Soviet Union would facilitate the achievement of that objective, although the Soviet Union would prefer a single peace treaty with both Germanies.

Mr. Semenov went on to say that reunification was a matter for the Germans themselves to settle. The FRG and the GDR should decide this problem for themselves and our two countries should not interfere or meddle in this matter.

Mr. Kohler stated that before answering Mr. Semenov's questions he wished to ask a question of his own. He stated that he had not been aware that the Soviet Union was opposed to an eventual reunification of Germany. He knew that there were differences of opinion between the two sides as to how unification should be brought about but thought that both sides agreed that Germany should be reunited peacefully. The wording in the US paper reflected only the long-range agreement and did not predetermine the method of reunification. In any event, it would be

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useful if Mr. Semenov could say whether this understanding of the Soviet position was correct or not.

Mr. Semenov responded by reiterating that reunification of Germany was a matter for the Germans themselves to resolve. Since the split between the two Germanies had occurred not on a national basis but on the basis of social principles and since neither side appeared to be willing to abandon its social order, reunification seemed to be very difficult. Whether this was to our liking or not was a different question. Citing the Civil War in America as an example, he said that interference in the Civil War from the outside would have hardly been understood in the United States either at the time of the War or later. Therefore, both sides must be extremely cautious and must not base themselves on their tastes or likings, but must rather proceed from facts and realities. In any event, polemics on this subject would not be useful. He reiterated that a German peace treaty would contribute to a rapprochement between the two Germanies and asserted that the absence of such a treaty had led to the alienation between them. The present situation was dangerous to both the US and the USSR, particularly in view of the fact that the membership of the two German states in the two respective military groupings could lead to developments that could hardly be considered as desirable, unless one had lost his senses. [ ]

Mr. Kohler reiterated his assumption that while there were disagreements as to the method of reunification both sides were in agreement that Germany should be reunited eventually. As a faithful reader of Ulbricht, Winzer, and other figures in East Germany he knew that they were in favor of one method of reunification, while we advocated another. It was for this reason that we had put forward a formula which both sides could accept and which did not prejudge the method of reunification. He noted that Mr. Semenov had not answered exactly the question he had been asked.

Mr. Semenov professed surprise and asserted that he had tried to answer Mr. Kohler's question. He observed that perhaps the answer he had given was not the one Mr. Kohler wished to hear. Referring to Mr. Kohler's remark about Ulbricht's favoring one method of reunification while the United States advocated a different one, Mr. Semenov said he wished to stress that Ulbricht was a German whereas he and Mr. Kohler were not. Therefore, Ulbricht and the Germans in general should take care of the situation, particularly in view of the fact that they were the culprits in this matter. Both sides should let the Germans agree, and a German peace treaty would help them in this respect. He apologized for not giving the answer required by Mr. Kohler and stated that this was a question which he could not answer otherwise. [ ]

Mr. Kohler suggested that other points be discussed. However, he

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wished to remark that even the East Germans believed that Germany should be reunited, but on their terms. Turning to other points raised by Mr. Semenov, Mr. Kohler stated that we did not regard paragraph 2 to be contradictory to what the Secretary and his associates had said before, namely, that while we did not like it we did accept the existence of the East German regime. As to whether or not this paragraph precluded a so-called peace treaty with one part of Germany or the other, this went back to what he had stated earlier. We did not believe that a peace treaty with one side or the other meant anything in itself. Its significance was only with respect to the injury it would inflict on our vital interests. As to paragraph 2 (c), it was designed only to protect the provisions in paragraphs 3 and 4, i.e., it meant that whatever arrangements might be concluded the stipulations of paragraph 3 and 4 would not be affected.

Recalling Mr. Semenov's reference to the Japanese peace treaty, Mr. Kohler stated that, as the President had explained to Mr. Khrushchev in Vienna, the two situations were not at all comparable. Mr. Kohler continued that the real question was not a peace treaty in itself, but the results of a peace treaty. In the case of the Japanese peace treaty no action had been taken which injured Soviet interests, and that was contrary to what had been said the results would be in the case of a peace treaty between Moscow and Pankow. In this connection Mr. Kohler recalled Mr. Khrushchev's remark that it had been a great mistake by the USSR not to sign the peace treaty with Japan.

As to when interim measures would stop, Mr. Kohler stated that this question had been discussed by Mr. Semenov and himself earlier. Actually, he believed that temporary measures must continue until a real solution of the German problem had been achieved.

Mr. Semenov wondered whether he was to understand Mr. Kohler's statement as meaning that arrangements with regard to non-diffusion of nuclear weapons and to non-aggression were also interim arrangements. (b)(1)(d)(3)

Mr. Kohler replied that this was correct in a sense, but pointed out that the language of paragraphs 3 and 4 had been drafted to provide for those arrangements to be valid even in the event of reunification of Germany or of a peace treaty with a united Germany. In other words, we had tried to make clear to the USSR that these were continuing objectives.

Mr. Semenov wondered whether provisions in paragraphs 1 (a) and 2 (a) were of a permanent nature whereas those in paragraphs 3 (a) and 4 (a), because of the link between paragraphs 3 and 4 and paragraph 2 (c), were of an interim character. (b)(1)(d)(3)

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Mr. Kohler responded that the contrary was true. This meant that arrangements under paragraphs 3 and 4, i.e., non-diffusion of nuclear weapons, non-aggression, and non-use of force in Europe, would continue in connection with an eventual reunification of Germany.

Mr. Sosenov pointed out that the US and USSR were not alone in the world and that there were other nations which should be taken into account. The US and USSR, as great powers, must look in every direction. (b)(7)(f) (b)(7)(g)

Mr. Bohlen observed that any agreement with regard to Germany at this time could be only of a preliminary nature. However, arrangements under paragraphs 3 and 4 should be valid even in the future.

Mr. Sosenov said that this question could perhaps be reverted to later, but observed that from his questions Mr. Kohler may have detected what thoughts he had in mind, so that he could perhaps go back and take them into account. (b)(7)(f) (b)(7)(g)

Mr. Kohler said that if Mr. Sosenov studied the paper he would see that paragraph 2 (e) meant that paragraph 1 would terminate its validity in case of reunification of Germany. There would be a united Germany and a unified Berlin as its capital. On the other hand, paragraph 2 (c) meant that arrangements under paragraphs 3 and 4, arrangements in which the USSR appeared to be interested, would be continued. Therefore, it appeared that there was some misunderstanding on Mr. Sosenov's part. Mr. Kohler reiterated that paragraph 1 was of a transitory nature, whereas paragraphs 3 and 4 would be continuing.

Mr. Sosenov indicated he would think about this but said he wished to clarify his thought by citing an example from life. He said his daughter was expecting now, but he did not see any purpose in discussing at this stage what college the child should go to when he did not know whether it would be a boy or a girl. If he were to raise this question with his daughter, she might suggest that it be postponed until it was known whether it was a boy or a girl or whether the child wanted to go to college at all. (b)(7)(f) (b)(7)(g)

Mr. Sosenov then turned to paragraph 1 of the US paper. He observed that the title of the paragraph was "Berlin". He said the Soviet Union had told repeatedly that the question was a different one and the United States had denied the issue. But now it appeared that the United States was forced to admit. In any event, there was some lack of clarity on this subject. In connection with paragraph 1, the United States had formulated the most liberal proposal in the treaty and had failed to take account of the Soviet position. In the same vein, the Soviet paper provided for a free city of Berlin, while the Soviet Union believed that its proposal for the capital of a united Germany, i.e., a free city, met best the US view on this subject of freedom and independence.

In connection with paragraph 1-(b), Mr. Sosenov thought that the phrase "to be freely approached" within freely makes proposals, including demands, within the context of a free city. However, the phrase "to be freely approached" did not imply even the possibility of getting into touch with the other side. In that regard, Mr. Sosenov indicated that such a provision was not in accordance with the "spirit of the agreement". Moreover, he wished to emphasize that in giving the term "freely" to the

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already normal, whereas the Soviet Union had been speaking of changes in West Berlin and of the necessity of creating a free city. The Soviet Union was interested in the substance of this problem. However, perhaps the United States did not wish to record this point and perhaps agreement could be reached on this, although it appeared clear that the United States was against establishing an order for modifying the situation. In view of the fact that the occupation regime in West and East Germany had been abolished under the Paris agreements and by the USSR-GDR arrangements respectively, the question arose whether the United States wanted to preserve occupation in a tiny part of Germany. Mr. Semenov noted that in saying this he was not speaking of the presence of forces in West Berlin.

Referring to Mr. Semenov's comment on paragraph 1 (a), Mr. Kohler said that Mr. Semenov had implied that that paragraph was beneficial only to the US. However, that paragraph was only a statement of facts with which we believed the USSR could agree. It was true that one or two facts to which the USSR did not wish to subscribe were omitted, i.e., the presence of Western troops in West Berlin, which, Mr. Kohler stressed, was a strictly non-negotiable subject. The paragraph stated the principles which we believe had been agreed or at least accepted, even if we did not like them. It also provided for the possibility of working out any specific problem so that there be no clash.

Turning to the question of West Berlin's status as suggested by the USSR, Mr. Kohler recalled his earlier discussion on this subject with Mr. Semenov and reiterated that from our point of view West Berlin was a very free city. It had a status and we did not see any reason to change that status. In fact, we wondered whether the results of Soviet proposals might not be to get us out of West Berlin and leave West Berlin insecure, surrounded by a hostile environment.

As to paragraph 1 (b), Mr. Kohler said that there were a number of questions for adjustment from the standpoint of the interests of both sides. The USSR had already raised some matters. One of the issues the USSR had raised before was that of refugees, but it seemed to have been largely resolved. Another question the USSR had raised was that of so-called subversive activities. While we did not understand what this meant, we could perhaps discuss this matter.

Referring to internal arrangements, Mr. Kohler recalled the fact that in the arrangements with East Germany in 1955 the USSR had reserved its occupation powers with respect to all of Germany and with respect to its obligations to the Western Powers. The Western Powers had done the same under the Paris agreements. We believed that both sides should live up to their obligations and continue to do so.

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Mr. Semenov reiterated that West Germany and the GDR had no occupation regime or troops, whereas there were occupation troops and regime in West Berlin. He claimed that West Berlin was in fact an advance post of NATO and the Federal Republic within the territory of the GDR. While the United States believes that this was normal and legal, the USSR regarded the situation as abnormal and dangerous. It was for this reason that the Soviet Union believed that it was necessary to change this situation taking into account the changes which had occurred in Germany.

Mr. Semenov went on to say that in view of the fact that the United States had raised the question of guarantees the Soviet Union had suggested the stationing in West Berlin of neutral or UN troops for some fixed period of time. The US view that the situation prevailing in West Berlin was good and required no change was a subjective one. This reminded him of Schopenhauer's belief that the world was a creation of its will and conception. However, that belief had turned out to be incorrect because, although there was a monument to Schopenhauer somewhere in Paris, the world continued to develop irrespective of his will or conception.

Referring to paragraph 1 (c), Mr. Semenov said that paragraph provoked a feeling of chagrin on his part with regard to the work done here in Geneva. The United States had asked the Soviet Union to set forth its views on the question of compatibility between free access and respect for the sovereignty of the GDR. The USSR had done so, but the US had failed even to take notice of the Soviet views. He said that he wished to emphasize that the Soviet working paper on transit would be applicable only in the event of agreement on a peaceful settlement. If there was agreement on a peaceful settlement, then the question of access would be settled on that basis. On the other hand, if there was no such agreement, the United States would have to come to terms with Ulbricht. Mr. Semenov then observed that Mr. Bots was in Geneva. In the consultations Mr. Bots had had here he had expressed great interest in the status of the negotiations between our two sides, in particular whether they were simply marking time and thus delaying the conclusion of a peace treaty. This factor should also be taken into account.

Mr. Zahler said he wished to comment on the three main points raised by Mr. Semenov. First of all, there must be absolute clarity as to the factual situation. The President and the Secretary had made it very clear that when we talked about the presence of Western forces in West Berlin and of the freedom of access in West Berlin, those two quantities were one and the same. Any attempt to take them away unilaterally would be an attack on our vital interests. As to the so-called occupation status in West Berlin, this was not a legal point, but merely a reflection of how the situation had developed. We had there the German authorities to the aid of a quarter million people, who believed that the presence of our troops in West Berlin was essential for their protection. If those forces were removed, the viability of West Berlin — which was another vital interest of ours — would suffer; the population would be harassed with fear and would start moving

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out of the city. Referring to Mr. Semenov's remark about West Berlin's being a military advance post, Mr. Kohler said he wished to recall once again Mr. Khrushchev's statement to the effect that he did not understand the military value of the stationing of Western troops in West Berlin and that in the event of a military clash he would wish to have many more Western troops in West Berlin because they would be captured immediately. He also reminded Mr. Semenov that the few thousand Western troops in West Berlin were surrounded by 20 Soviet divisions, not to speak of East German forces.

As to Mr. Semenov's statement that the Soviet Union was seeking a change in the situation, Mr. Kohler said that the question was of what the Soviet Union meant. While he was not bringing in the question of intent, he would observe that the request for the withdrawal of armed forces and the proposal for the submission of access to the whims of East Germany involved real injury to our interests. It was true that we admitted that the situation in Berlin was abnormal, but the real abnormal situation was the division of Germany.

Mr. Kohler continued by saying that we had examined the Soviet paper on access. However, Mr. Gromyko had stated to the Secretary the other day that that paper was wholly linked to the withdrawal of our forces from West Berlin. Thus from that standpoint it was inapplicable. Furthermore, while the Soviet Union had stated the view that it was possible to reconcile freedom of access with what it called respect for the sovereignty of the DDR, the Soviet paper in fact subjected access to East Germany. Mr. Semenov must be familiar with East German statements as to how East Germany wished to handle access. As regards Mr. Semenov's reference to his consultations with Mr. Belz, Mr. Kohler said that this was not his problem;

Reverting to paragraph 1 (a) of the US paper, Mr. Kohler said it was simply a statement of principle on which both sides could agree. It could serve as a guidance to a body of the four Deputy Foreign Ministers to work on the application of that principle.

Mr. Semenov said he wished to return Mr. Kohler's compliment and say that Mr. Kohler had not answered his questions either. However, this was perhaps as it should be since both sides were in the process of discussion. We then professed surprise at Mr. Kohler's comment on the (b)(1)(F) Soviet proposal for transit, in particular where Mr. Kohler had said that the Soviet paper fully subjected access to the DDR. It was quite (b)(1)(F) clear that if there was agreement on a peaceful settlement the question of transit would be part of the general arrangement. Thus the obligations involved would be binding both on the two states and the DDR. If Mr. Kohler's comment was to be understood as United States' willingness to recognize the sovereignty of the DDR over the communication lines running through its territory, then, of course, the situation was (b)(1)(F)

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different. However, the United States had stated that access and sovereignty could be reconciled and that such arrangements were normal and made all over the world. In the light of all this, the United States' position was unclear and this hindered agreement, unless, of course, there were some hidden motives.

Mr. Bohlen observed that the Soviet paper contained a contradiction where it stated that the GDR would be issuing transit visas, while providing for West Berlin's freedom to decide who should be allowed to enter or leave the city.

Mr. Kohler recalled in this connection East German statements at the time of the Attorney General's visit to West Berlin in which they had claimed that his flight to West Berlin represented an abuse of the air corridors.

[Mr. Semenov asserted that if Mr. Kohler and Mr. Bohlen read the Soviet paper they would see that this question did not arise. The Soviet paper, he claimed, was based on the considerations expressed by Ambassador Thompson in Moscow.]

Mr. Kohler quoted paragraph 5 of the Soviet paper on transit and pointed out that it provided for controlling authority of the GDR with respect to transit arrangements. He inquired how those provisions could be reconciled with freedom of access.

[Mr. Semenov said that the answer was very simple and quoted paragraph 5 back to Mr. Kohler. He also pointed out that the final subparagraph of that paragraph provided for practically a status quo. He claimed that the provisions of paragraph 5 were based on the Chicago Convention, to which Ambassador Thompson had referred, and asserted this was a big step forward toward US position. Mr. Semenov reiterated that all this would be implemented only if there was a German peace settlement.]

Mr. Kohler reiterated that the trouble was that effective control was being given to the GDR and cited the relevant portions of subparagraphs (a), (b), and (c) of paragraph 5. He pointed out that the GDR was being given the right to determine violations or non-compliance by airlines and to refuse the right of further flights. He also referred to the fact that the GDR had already stated through its spokesman that aircraft should not fly directly into West Berlin and had also drawn up a catalogue of persons who should not fly and who did fly now. Thus the GDR, in which we had no trust, could control the traffic to West Berlin. Mr. Kohler stressed that this was totally unacceptable and could bring on and to free life in West Berlin. This proposal, aside from the linkage to the withdrawal of Western troops, was in itself an injury to our interests and a distinction of our position.]

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Mr. Semenov said he was embarrassed by the riches of arguments he could use in response to Mr. Kohler's remarks. He professed that he could not possibly have expected such an approach to the problem. The suspiciousness demonstrated transcended into something that could no longer be called suspiciousness. He reiterated that all these provisions were based on the Chicago Convention, which Ambassador Thompson had stated could serve as a guiding idea. He asserted that there was not even a thought of such intentions as had been described to Mr. Kohler. He felt this had been generated by the cold winds which had hit Geneva recently and noted that the weather had become warmer now.

Stating that both sides were in the process of negotiations, he said that there was no need for mentioning statements by East Germans. After all, he had not mentioned statements made by Clay, Adenauer, Strauss, or others. What we were talking about here was a new situation. No negotiations were possible on that basis, although he believed the GDR was a state and must be treated as such.

Quoting the relevant portion of paragraph 5 of the Soviet paper on transit, Mr. Semenov said that the provision that airlines could enter into appropriate agreements with the GDR had been designed to facilitate the US position, since it envisaged the possibility of certain states not wishing to enter into agreements with the GDR.

Mr. Bohlen inquired whether this included the use of Tempelhof.

Mr. Semenov replied that Mr. Bohlen had the answer to his question in the question itself.

He went on to assert that the governing provision in the paper was paragraph 1, which provided for free access, and asserted that the rest of the paper dealt primarily with the technical arrangements which should be complied with, just as they were complied with in other countries. In this connection he cited the example of ground control for overflights in such countries as Denmark, Iceland etc., where aircraft did not necessarily land but were still subject to ground control regulations. Referring to Mr. Kohler's remark about violations, Mr. Semenov stated the Chicago Convention provided for cancellation of transit arrangements in the event of violations by airlines. He reiterated that the last subparagraph of paragraph 5 preserved the status quo. Observing that the Soviet paper was a working paper and therefore subject to discussion, he asserted that no proposal could be approached if there was such suspicion. Noting that apparently there were many points that were unclear to Mr. Kohler and Mr. Bohlen and therefore required discussion, he suggested that he and Mr. Kohler, together with their associates, meet again, perhaps to night or tomorrow.

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[However, he wished to raise two additional points with regard to the general positions. Referring to the question of non-diffusion of nuclear weapons, he cited paragraph 7 of the Soviet paper on general principles and pointed out that it provided for non-transfer of nuclear weapons to the FRG and the GDR. He claimed that the Secretary had seemed to agree with this approach. However, reference to these two countries was lost in the United States' paper and one question was substituted for another. He wondered what the reason was for this situation.]

Mr. Kohler stressed that there was no change in our position and pointed out that the language in our paper was precisely what the Secretary had told Mr. Gromyko in New York and Washington. He stated that the United States was interested in this problem on a broader basis than just the two parts of Germany. The United States was interested in non-diffusion of nuclear weapons to separate countries not now having such weapons. The general principle underlying the two respective provisions was the same, but ours was much broader and not directed only to the two parts of Germany.

Mr. Semenov wondered why the United States could not accept the approach stated in the Soviet paper and why the United States wished to apply the principle on a broader basis.]

Mr. Kohler replied that the United States' policy on this question was universal in scope. We were interested in many other countries not obtaining nuclear weapons, e.g., China.

Mr. Semenov replied that the conversations here were about Germany. The USSR could not accept such a position, substitution of one question by another, or evasion of the problem. Germany was a defeated country whereas China was not. He asserted that the United States was apparently following the policy of Adenauer, who advocated full armament, including nuclear weapons, for the Bundesrepublik and opposed any discrimination against it. He reiterated that Germany was a defeated country and that it represented a specific problem. If the United States was seeking to evade this fact, then there was no unity of view as between the two sides. He observed that while there appeared to be agreement with regard to the basic position on the surface, when it came down to substance the United States seemed to be more interested in NSCII.

Mr. Kohler referred to paragraph 8 in the Soviet paper and paragraph 4 in the United States' paper. He stated that paragraph 4 (a) (1), dealing with rearmament, was unacceptable. However, he could not understand the meaning of the provision in 4 (a) (2). He suggested that we should not break from our past, nor with our right hand pull that both nations should talk out in applying best mutual understandings.

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Mr. Kahler stated he wanted to make a few remarks with regard to access. He said we had understood from the talks the Secretary and Mr. Gromyko had had in Washington that instead of the West making any arrangement with East Germany the two sides would agree between them on access and then the Soviet Union would make arrangements with East Germany. Referring to traffic arrangements, he stated they already existed in BASC. He queried whether BASC would be terminated under the Soviet proposal and whether there would be only East German arrangements. He then said he wanted to ask another question which the Soviet side might perhaps answer at some time. He noted Mr. Gromyko's statement that Soviet proposals for access were linked to the withdrawal of Western troops and wondered whether, if this statement was true, there was any purpose in discussing access further. Otherwise, of course, the discussion could continue. He also felt that clarification was needed with regard to the Soviet proposal for a four-power commission which had been named "access authority" by the Soviet Union, although in advancing our proposal for an access authority we had something quite different in mind.

[Mr. Sosonov reacted to Mr. Kahler's remarks quite strongly and stated that perhaps there was no point in having any discussion at all. He said that the Soviet side was not discussing the US paper with any pre-conditions; nor was it discussing the Soviet paper with any such conditions. He suggested that perhaps another interesting topic could be found for conversation.]

Mr. Kahler replied that he had only referred to Mr. Gromyko's clear statement about the link.

[Mr. Sosonov rejoined by saying the Secretary had also made some clear statements. Nevertheless it had been decided that discussions should take place. He felt that both sides should go on discussing and trying to clarify the questions involved. However, if both sides were hard-headed and obstinate like two stubborn goats meeting on a bridge across a precipice they were running the risk of falling into the abyss.]

Mr. Kahler suggested that other questions be discussed. Referring to non-diffusion of nuclear weapons, he stated that we did not want to discriminate against anyone and saw no reason for such discrimination. We wished to continue our global policy on this issue and saw no need to point to any country or countries. With reference to paragraph 4 (a) (iii), he pointed out a number of measures in this field had been suggested by the two sides which might be useful to discuss. For instance, the Soviet Union had suggested the establishment of observers at major railroad junctions, ports etc., while the United States had made certain suggestions aimed at improving relationships between high officials of the two governments. Kahler expressed the belief that many questions could be discussed in the four-power body.

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Mr. Bohlen observed this was only an extension of the principle of non-aggression.

Mr. Semenov said he now saw that the United States had in mind more than it had stated. What Mr. Kohler had said only obscured the issue. Furthermore, while the United States spoke of non-use of force with regard to borders, the Soviet Union spoke of solidifying the borders. In addition, the United States mentioned demarcation lines, whereas the Soviet Union regarded borders within Germany as frontiers. The present US position, he asserted, was not in conformity with past U.S. statements and therefore represented a step backward. (D.H.) (X) (S)

He went on to say that, in general, the US paper after the discussion today did not appear to him to be directed at reaching understanding, and he regretted it very much. However, he would, of course, inform Mr. Oroszko of the conversation. He reiterated his readiness to meet again either tonight or tomorrow. ]

Mr. Kohler replied that with regard to frontiers we had used in the paper the language we had always used. We were, of course, aware of the Soviet position on this issue. However, while we were aware of the line within Germany and were prepared to live with it, we were not prepared to give it our blessing from the juridical point of view. What we desired was peaceful coexistence.

Referring to the US paper, Mr. Kohler stated that if Mr. Semenov studied the paper he would see that we had tried to take into account the Soviet position within the confines of our vital interests. He expressed the hope that the paper would facilitate the reaching of understanding between the two sides.

Mr. Bohlen observed that we had prepared our paper in the light of the great disagreement which existed between the two sides. He referred to the four alternatives mentioned by the Secretary, two of which were not possible for the two sides. It was a regrettable fact that disagreement was deep, but the main idea underlying our paper was to provide a basis for future negotiations.

It was agreed that the two groups would meet again tomorrow, March 25 at 10:30 A.M.

Drafted by: [Signature]  
Date: March 25, 1962

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